

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

NORA L. PATTERSON,)
)
Plaintiff,) 4:06CV3014
)
v.)
)
JO ANNE B. BARNHART,) MEMORANDUM OPINION
Commissioner of the Social)
Security Administration,)
)
Defendant.)
)

This matter is before the Court upon plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA") (Filing No. 13). Plaintiff requests fees in the total amount of \$2,392.80, which represents fifteen (15) hours of work by her attorney. In addition, plaintiff is requesting costs for the filing fee in the amount of \$250.00.

The Court has determined that plaintiff was indeed the prevailing party in this action because the case was remanded to the Commissioner for further action. The plaintiff has filed the fee application in a timely fashion, and the position of the Commissioner was not substantially justified. Plaintiff is therefore entitled to an award of reasonable attorney's fees. The Commissioner does not dispute plaintiff's entitlement to fees and costs but only seeks to clarify that a payment of attorney fees should be made from EAJA while the costs of \$250.00 is

properly paid from the Judgment Fund administered by the Department of Justice. See 28 U.S.C. § 2412(c)(1) and 31 U.S.C. § 1304. Plaintiff's application for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") (Filing No. 13) will be granted plaintiff will be awarded fees of \$2,392.80 under EAJA and costs of \$250.00 payable from the Judgment Fund for a total of \$2,642.80.

DATED this 25th day of August, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court